

1. (UNCHANGED) A homogeneous floor covering comprising a cross-linkable, elastomer material having a multicolored, directionless pattern, and a thickness of 1.5 to 3.5 mm, the floor covering, in the case of floor covering having widths of 1 m to 2 m, has no change in thickness exceeding + 5% over its entire width, the floor covering has a minimum elongation of 60% according to DIN 53 504, the floor covering contains 3 to 20 percent by weight, with respect to the floor covering's total weight, of a copolymer of ethylene including at least one comonomer selected from the group consisting of
 - vinyl esters of saturated carboxylic acids having up to 4 C-atoms in the acid group,
 - unsaturated mono- or dicarboxylic acids,
 - esters of unsaturated mono- or dicarboxylic acids having up to 8 C-atoms in the alcohol portion, and
 - α -olefins having 4 to 10 C-atoms,the ethylene content of the copolymer being 40 to 95 per cent by weight, the co-monomer content 5 to 60 per cent by weight, and the melt-flow index of the copolymer lying between 0.1 and 50.
2. (UNCHANGED) The floor covering according to claim 1, wherein the floor covering contains 3 to 10 per cent by weight of a copolymer.
3. (UNCHANGED) The floor covering according to claim 1, wherein a plurality of granular particles form the floor covering, the granular particles have a single color.
5. (UNCHANGED) The floor covering according to claim 1, wherein a plurality of granular particles form the floor covering, the granular particles have a colored pattern.

- C/ 6. (AMENDED) The floor covering according to claim 2, wherein a plurality of granular particles form the floor covering, the granular particles have a colored pattern.

REMARKS

Claims 1-3 and 5-6 are pending and stand rejected. Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, and claims 1-3 and 5-6 stand rejected as allegedly unpatentable over U.S. Patent No. 6,017,586 to Payn et al. ("Payn"). In view of the amendments made herein and the remarks that follow, reconsideration and withdrawal of these rejections are respectfully requested.

Indefiniteness Rejection

Claim 6 has been amended to more particularly point out and distinctly claim an embodiment of Applicant's invention. It is respectfully submitted that the indefiniteness rejection is now overcome.

Obviousness Rejection

The Examiner maintains the obviousness rejection over Payn allegedly because the reference "shows this floor covering comprising a copolymer of ethylene and alpha-olefin with 10 or more carbon atoms" (Office Action at the sentence bridging pages 2 and 3) and "shows the same components as in the instant invention" (Office Action, page 3, lines 2-3).

Applicants respectfully disagree with the grounds of this rejection.

The Examiner does not explain, and it is not readily apparent to Applicants, whether Payn discloses the claim recitation "contains 3 to 20 percent by weight, with respect to the floor covering's total weight, of a copolymer of ethylene". Indeed, at col. 7, lines 37-49, Payn discloses:

The P/M fluid has three major components and many possible optional components. The major components